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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,280	01/23/2002	Narayan L. Gehlot	GEHLOT 32-39 (375824/0163	6768

30541 7590 08/24/2005

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EXAMINER	
LE, DEBBIE M	
ART UNIT	**PAPER NUMBER**
2167	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,280	GEHLOT ET AL.	
	Examiner	Art Unit	
	DEBBIE M. LE	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 5/24/05 has been entered.

Applicants' arguments filed on 5/24/05. Claims 1, 13, 14, 25 and 26 are amended. Claims 1-31 are pending and presented for examinations.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-31 are rejected under the judicially created doctrine of double patenting over claims 1-18 respectively of US Patent No. 6,822,568 B2, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application No. 10/055,280 of claims 1, 13, 14, 25 and 26 are disclosed and covered by the US Patent No. 6,822,568 B2 found in claims 1 and 10, except for **limitation "at a time other than a time that the object moves from the first position to the second position"**. The reference US Patent No. 5,627,877 discloses transferring the subscriber-related information from the old VMS to the new VMS during the time outside busy hours traffic (see col. 3, lines 45-47). Thus, it would have been obvious to transfer the data at other non-busy traffic time as taught by reference US Patent No 5,627,877 would not require increased capacity of a network (see col. 3, lines 47-49).

All limitations of claims 5, 18 and 27 of the instant application No. 10/055,280 are contained in claims 6 and 17 of the US Patent No. 6,822,568 B2.

Claims 1-31 are rejected under the judicially created doctrine of double patenting over claims 1-30 respectively of US Patent No. 6,812,840 B2, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. The subject matter claimed in the instant application No. 10/055,280 of claims 1, 13, 14, 25 and 26 are disclosed and covered by the US Patent No. 6,812,840 B2 found in claims 6, 14, 17, 22, 25 and 30, except for **limitation "at a time other than a time that the object moves from the first position to the second position"**. The reference **US**

Patent No. 5,627,877 discloses transferring the subscriber-related information from the old VMS to the new VMS during the time outside busy hours traffic (see col. 3, lines 45-47). Thus, it would have been obvious to transfer the data at other non-busy traffic time as taught by reference US Patent No 5,627,877 would not require increased capacity of a network (see col. 3, lines 47-49).

All limitations of claims 5, 18 and 27 of the instant application No. 10/055,280 are contained in claims 2, 4, 5, 10, 16, 20, 24 and 29 of the US Patent No. 6,812,840 B2.

Claim Objections

Claims 2-12 are objected to because of the following informalities:

In claims 2-12, line 1, recites the term "computer" is suggested to change to "dynamic database".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-10, 12-17, 19-22, 24-26, 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Penttonen (US Patent 5,627,877).

As per claim 1, Penttonen a dynamic database system comprising:

a first data storage unit disposed proximate a first position and adapted to store object data related to an object (as VMS1 stores information related to subscribers) (see col. 2, line 67, col. 3, lines 2-4);

a second data storage unit disposed proximate a second position and adapted to store said object data (as VMS2, VMS3, stores information related to subscribers) (see col. 2, line 67, col. 3, lines 2-4); and

a processing unit adapted to process position data related to the object in response to movement of the object between the first position and the second position (col. 3, lines 15-16), and operative to cause said object data to be transferred from said first data storage unit to said second data storage unit at a time other than the time that the object moves from the first position to the second position (col. 3, lines 17-21, 45-46).

As per claim 2, Penttonen teaches wherein when the object moves from the first position to the second position during a high communication traffic period, said object data is delayed so as to be transferred from said first data storage unit to said second data storage unit during a low communication traffic period (col. 3, lines 45-49).

As per claim 3, Penttonen teaches wherein said object data is transferred as a function of a predicted movement of the object before the object moves (col. 3, lines 25-26).

As per claim 4, Penttonen teaches wherein said predicted movement is based upon travel information chosen from the group consisting of airline reservations, car rental reservations, hotel reservations and the object's travel history (col. 3, line 16).

As per claim 6, Penttonen teaches a first communication unit coupled to said first data storage unit; and a second communication unit coupled to said second data storage unit (Fig. 1, MSC1-3, col. 2, lines 25-26) wherein said data is transferred from said first data storage unit to said second data storage unit via said first communication unit and said second communication unit (Fig. 1, VMS1-3).

As per claim 7, Penttonen teaches wherein said first communication unit and said second communication unit communicate wirelessly (as mobile communication network, col. 2, lines 54-55).

As per claims 8-9, Penttonen teaches a personal communication unit coupled to said processing unit and adapted to facilitate communication of said object data between the object and said first and said second data storage units, to facilitate communication of said travel information between the object and said first and said second data storage units (col. 3, lines 5-7, 15-16).

As per claim 10, Penttonen teaches wherein when the object returns to said first position from said second position, the object data is transferred from said second data storage unit back to said first data storage unit at a time other than the time when the object returns (col. 1, line 58, col. 2, lines 23-26).

As per claim 12, Penttonen teaches wherein the object is a person and said object data is chosen from the group consisting of medical information, financial information, driver record information, personal contact information and insurance information (col. 1, lines 65-67, col. 3, lines 30-34).

Claims 13, 14, 25 and 26 are rejected by the same rationale as state in independent claim 1 arguments.

Claims 15-17, 19-22, 24, 28-31 have similar limitations as claims 2-4, 6-10, and 12; therefore, they are rejected under the same subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen (US Patent 5,627,877) as applied to claims 1, 14, and 26 above, and further in view of Howard (US Patent 6,614,392 B2).

As per claim 5, Penttonen does not explicitly teach a global positioning system (GPS) unit coupled to said processing unit and adapted to obtain said position data related to the object. However Howard discloses a global positioning system (GPS) unit coupled to said processing unit and adapted to obtain said position data related to the object (see abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement a global positioning system (GPS) unit coupled to said processing unit and adapted to obtain said position data related to the object as taught by Howard because it would enable the object to be tracked and identified as it moves from one point to another point, as suggested by Howard (see abstract).

Claims 18 and 27 have similar limitations as claim 5; therefore, they are rejected by the same subject matter.

Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen (US Patent 5,627,877) as applied to claims 1 and 14 above, and further in view of Kullick et al (US Patent 5,751,997).

As per claim 11, Penttonen discloses the automatic relocation of the subscriber's home station in connection with a new switching central to reduce the demand of the costs of a mobile network. Penttonen does not explicitly teach wherein the object data is deleted from said second storage unit when the object data is transferred from said second data storage unit back to said first data storage unit. However, Kullick discloses the object data is deleted from said second storage unit when the object data is transferred from said second data storage unit back to said first data storage unit (col.

11, lines 3-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of deleting the transferred data from the transfer storage when the transferred data is completely transferred to its destination as taught by Kullick because it would allow Penttonen's system to avoid disk size of a storage device overloaded so that amount of memory (disk size of a storage device) always become available (see Kullick, col. 4, lines 12-13, col. 7, lines 14-19, col. 10, lines 45-46) in order to allow Penttonen's system automatic transferring the subscriber-related information in a dynamic relocating subscriber's information without concerning "unavailable memory".

Claim 23 have similar limitations as claim 11; therefore, it is rejected by the same subject matter.

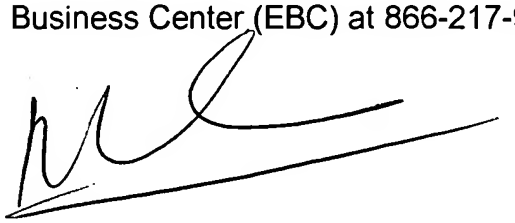
Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE
Examiner
Art Unit 2167

Debbie Le

Aug. 17, 2005.